

106TH CONGRESS  
1ST SESSION

# H. R. 2361

To repeal the interim payment system for home health services furnished under the Medicare Program, to eliminate the mandatory 15 percent reduction in payment amounts for such services under the prospective payment system, to continue periodic interim payments for such services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1999

Mr. SANDERS introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To repeal the interim payment system for home health services furnished under the Medicare Program, to eliminate the mandatory 15 percent reduction in payment amounts for such services under the prospective payment system, to continue periodic interim payments for such services, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Medicare Home Health  
3 Care Restoration Act of 1999”.

4 **SEC. 2. REPEAL OF INTERIM PAYMENT SYSTEM.**

5       (a) PER BENEFICIARY LIMITATION.—

6           (1) REPEAL.—Section 1861(v)(1)(L) of the So-  
7 cial Security Act (42 U.S.C. 1395x(v)(1)(L)) is  
8 amended by striking clauses (v) through (ix).

9           (2) 15 PERCENT CONTINGENT REDUCTION.—

10       Section 4603(e) of the Balanced Budget Act of 1997  
11 (42 U.S.C. 1395fff note), as amended by section  
12 5101(c)(3) of the Tax and Trade Relief Extension  
13 Act of 1998 (Public Law 105–277), is repealed.

14       (b) RESTORATION OF PRE-BBA PER VISIT PAYMENT  
15 AMOUNT.—Section 1861(v)(1)(L)(i) of such Act (42  
16 U.S.C. 1395x(v)(1)(L)(i)) is amended—

17           (1) in subclause (II), by adding “or” at the  
18 end;

19           (2) in subclause (III)—

20               (A) by striking “and before October 1,  
21 1997,”; and

22               (B) by striking the comma at the end and  
23 inserting a period; and

24           (3) by striking subclauses (IV) and (V).

25       (c) EFFECTIVE DATE.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
 2           the amendments made by this section apply to cost  
 3           reporting periods beginning on or after October 1,  
 4           1997.

5           (2) LIMITATION OF PAYMENTS.—No additional  
 6           payment shall be made by reason of the amendments  
 7           under subsection (a) and (b) to a home health agen-  
 8           cy that, as of the date of the enactment of this Act,  
 9           has ceased furnishing home health services for which  
 10          payment may be made under the medicare program  
 11          (under title XVIII of the Social Security Act).

12 **SEC. 3. ELIMINATION OF 15 PERCENT REDUCTION IN BASE**  
 13 **RATES UNDER THE PROSPECTIVE PAYMENT**  
 14 **SYSTEM.**

15          (a) PROSPECTIVE PAYMENT SYSTEM.—Section  
 16 1895(b)(3) of the Social Security Act (42 U.S.C.  
 17 1395fff(b)(3)(A)) is amended—

18           (1) in clause (i)—

19               (A) by striking “but if the reduction in  
 20           limits described in clause (ii) had been in ef-  
 21           fect”; and

22               (B) by striking “(i) IN GENERAL.—” and  
 23           adjusting the margin accordingly; and

24           (2) by striking clause (ii).

1 (b) CONFORMING AMENDMENT.—Section 1895(d)(3)  
 2 of such Act (42 U.S.C. 1395fff(d)(3)) is amended by strik-  
 3 ing “(including the reduction described in clause (ii) of  
 4 such subsection)”.

5 **SEC. 4. CONTINUATION OF PERIODIC INTERIM PAYMENTS**  
 6 **TO HOME HEALTH AGENCIES.**

7 Section 4603(b) of the Balanced Budget Act of 1997  
 8 (Public Law 105–33, 111 Stat. 470) is repealed.

9 **SEC. 5. REPEAL OF FREEZES AND REDUCTIONS IN PAY-**  
 10 **MENT UPDATES FOR INFLATION.**

11 (a) REPEAL OF TWO-YEAR FREEZE IN HOME  
 12 HEALTH MARKET BASKET PERCENTAGE INCREASE.—  
 13 Section 1861(v)(1)(L) of the Social Security Act (42  
 14 U.S.C. 1395x(v)(1)(L)) is amended by striking clause (iv).

15 (b) REPEAL OF DELAY IN UPDATES FOR WAGES AND  
 16 WAGE-RELATED COSTS.—Section 1861(v)(1)(L)(iii) of  
 17 such Act (42 U.S.C. 1395x(v)(1)(L)(iii)) is amended by  
 18 striking “, or on or after July 1, 1997, and before October  
 19 1, 1997”.

20 (c) REPEAL OF REDUCTION IN HOME HEALTH MAR-  
 21 KET BASKET PERCENTAGE INCREASE UNDER THE PRO-  
 22 SPECTIVE PAYMENT SYSTEM.—Section 1895(b)(3)(B) of  
 23 such Act (42 U.S.C. 1395fff(b)(3)(B)), as amended by  
 24 section 5101(d)(2) of the Tax and Trade Relief Extension  
 25 Act of 1998 (Public Law 105–277), is amended—

1           (1) in clause (i), by striking “home health ap-  
2       plicable increase percentage (as defined in clause  
3       (ii))” and inserting “home health market basket per-  
4       centage increase”;

5           (2) by striking clause (ii); and

6           (3) by redesignating clause (iii) as clause (ii).

7       (d) EFFECTIVE DATE.—

8           (1) IN GENERAL.—Subject to paragraph (2),  
9       the amendments made by subsections (a) and (b)  
10      apply with respect to cost reporting periods begin-  
11      ning on or after October 1, 1997.

12          (2) LIMITATION OF PAYMENTS.—No additional  
13      payment shall be made by reason of the amendments  
14      under subsection (a) and (b) to a home health agen-  
15      cy that, as of the date of the enactment of this Act,  
16      has ceased furnishing home health services for which  
17      payment may be made under the medicare program  
18      (under title XVIII of the Social Security Act).

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